

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK:

Index No. 07 CIV 8628

X

SPABO, INC. d/b/a MISTER SOFTEE  
and MISTER SOFTEE, INC.

V.

E. PIEDAD RIVERA d/b/a MISTER SOFTEE,  
ET AL.

X

State of New York )  
County of Bronx ) ss:

## AFFIDAVIT OF SERVICE

Charles s. Flemming being duly sworn, deposes and says  
 that he is over the age of 18 years; is not a party to this action and resides within the State of New York.  
 That on October 12, 2007 at 7:30 PM at:

427 Turneur Avenue, Apt. 1F  
 Bronx, NY 10473

Deponent served the:

## SUMMONS AND COMPLAINT

upon E. PIEDAD RIVERA,  
 by delivering true copies to:

Raphael Garcia

who stated that they were authorized to accept service on behalf of:  
 E. PIEDAD RIVERA

Within 20 days of such service, deponent enclosed a copy of the same in a first class postpaid envelope  
 properly addressed to recipient at:

E. PIEDAD RIVERA  
 427 TURNEUR AVENUE, APT. 1F  
 BRONX, NY 10473

And deposited said envelope in an official depository under the exclusive care and custody of the  
 U.S. Postal Service within New York State. The envelope bore the legend "PERSONAL AND  
 CONFIDENTIAL" and did not indicate by return address or otherwise that the communication was  
 From an attorney or concerned action against the recipient.

To the best of my knowledge, based on information and belief, the said recipient at the time of service  
 was not engaged in the military service of the United States or New York. Recipient wore ordinary  
 civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 27 HEIGHT: 5'7" Weight: 155 HAIR: Black RACE: Hispanic SEX: Male

Sworn to before me this 22<sup>nd</sup> day of October 2007

  
 Jonathan C. Peters  
 Notary Public

  
 Charles Flemming  
 P.S License No. 1179930

JONATHAN C. PETERS  
 NOTARY PUBLIC STATE OF NEW YORK  
 NO: 01PE6134884  
 QUALIFIED IN KINGS COUNTY  
 COMMISSION EXPIRES OCTOBER 11th 2008